IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 8798 of 2007(V)

PETITIONER:

K.I.KURIAKOSE, S/O.ITTOOP, SECRETARY,
L.D.F. PARLIAMENTARY PARTY, ANGAMALY MUNICIPALITY,
ANGAMALY.

BY ADV. SRI.WILSON URMESE

RESPONDENTS:

1.ANGAMALY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, ANGAMALY.

2.MUNICIPAL COUNCIL, ANGAMALY MUNICIPALITY
REPRESENTED BY ITS CHAIRPERSON, ANGAMALY.

3.THE SUPERINTENDENT,
VIGILANCE AND ANTI CORRUPTION,
CENTRAL RANGE, ERNAKULAM.

4.STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF LOCAL SELF GOVT. INSTITUTIONS,
THIRUVANANTHAPURAM.

5.M/S SIGN POST MEDIA,
SOUTH KALAMASSERY P.O., ERNAKULAM DISTRICT.

R5 BY ADV. SRI.SADCHITH.P.KURUP
SRI.A.S.P.KURUP
R1-R2 BY ADV.SRI.V.M.KURIAN
R3-R4 BY GOVT. PLEADER SMT.T.B.RAMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.8798 of 2007

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Dated: 28th March, 2007

JUDGMENT

Alleging that there has been irregularities on the part of the Municipality in the matter of awarding contract for installation of sodium vapor lamps, the petitioner filed Ext.P3 complaint before the third respondent, the Superintendent, Vigilance and Anti Corruption Bureau, Central Range, Ernakulam. Immediately thereafter the petitioner submitted Ext.P4 petitioner before the Government seeking action under Section 57 of the Kerala Municipality Act for canceling the resolution of the Municipality.

2. The 5th respondent who is the awardee of the work has filed a detailed counter affidavit producing the agreement. According to this counter affidavit, in execution of the works awarded, steps are being taken.

3. The Municipality has also filed a counter affidavit wherein it is contended that the present Writ Petition seeking a writ of mandamus in respect of Ext.P4 which was filed just two days prior to the institution of the Writ Petition is not maintainable.

4. Not that I do not find force in the submissions of Mr.V.M.Kurian, Standing Counsel for the Municipality. But since the learned Government Pleader submits that enquiry is already

commenced by the third respondent on the basis of Ext.P3 complaint, the third respondent will finalise the enquiry which he has started on the basis of Ext.P3 immediately and forward the enquiry report to the Government. The Government will thereupon take up Ext.P4, issue notice to the petitioner, the Municipality and the 5th respondent, hear all of them and take a decision on Ext.P4. It is needless to mention that the Government will consider the contention of the Municipality that the Government does not have jurisdiction to entertain a petition in the nature of Ext.P4. Orders will be passed by the Government within one month of receiving enquiry report from the third respondent. The execution of the work by the 5th respondent will be subject to any order which the Government will pass on Ext.P4.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**